

# **EXHIBIT 1**

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD -7 PM 1:51

GUILFORD COUNTY, N.C.

NEW BREED, INC., BY CM

Plaintiff,

v.

THOMAS MANNING MELTON,

Defendant.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
CIVIL ACTION NO: 14-CVS-10062

TEMPORARY RESTRAINING ORDER

This matter came before the undersigned Superior Court Judge presiding in Guilford County on November 5, 2014 on Plaintiff's Motion for Temporary Restraining Order (the "Motion") pursuant to North Carolina Rule of Civil Procedure 65(b) and after notice to Defendant Thomas Melton ("Melton"). Counsel appeared for Plaintiff NEW BREED, INC. ("New Breed") and Melton appeared on his own behalf. In the Motion and in its Verified Complaint, New Breed contends that Melton, its former Director, IT Support, is breaching his noncompetition covenant with New Breed through his employment with Manhattan Associates, Inc. and/or its affiliates ("Manhattan Associates").

Having considered the Motion and the matters presented, including the arguments of the parties, the Court preliminarily finds that the noncompetition agreement at issue is in writing, is supported by consideration and is enforceable. Although Melton has raised questions about whether his employment with Manhattan Associates breaches the noncompetition agreement, the Court – at this stage of the proceedings – concludes that New Breed has demonstrated a likelihood of success on the merits, that a temporary restraining order is necessary to protect the

rights of New Breed, and that New Breed has made the requisite showing of immediate and irreparable injury.

**WHEREFORE, IT IS HEREBY ORDERED that:**

1. Plaintiff's motion for a temporary restraining order be, and it hereby is, GRANTED;

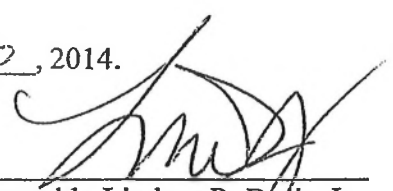
2. Melton is enjoined and restrained from being employed (as an officer, agent, manager, director, employee, consultant or independent contractor) by Manhattan Associates except solely in an area, division, or segment of Manhattan Associates' business that does not compete in any way with any area, division, or segment of New Breed;

3. The hearing on New Breed's motion for a preliminary injunction is scheduled for 9:30 a.m. on November 14, 2014 in Courtroom 3H of the Guilford County Courthouse;

4. This Order shall remain in effect until the hearing on the motion for a preliminary injunction, unless extended before that time as provided by N.C.R. Civ. P. 65(b); and

5. As a condition of the issuance and effectiveness of this Order, New Breed shall post a bond of \$4,000.

SO ORDERED, at 3:10 o'clock, P.m. on November 6, 2014.

  
\_\_\_\_\_  
The Honorable Lindsay R. Davis, Jr.  
Superior Court Judge Presiding  
Guilford County Superior Court